

STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Approval of Authorization



RECEIVED

MAY 17 2007

Department of Transportation
2800 Berlin Turnpike
P.O. Box 317546
Newington, CT 06131-7546

ENVIRONMENTAL PLANNING
DIVISION

Attn: Edgar T. Hurle, Director

Re: Approval of Authorization
Minor Grading

File No.: IW-200701088GP
DOT Project: 138-221
Town: Milford / Stratford
Wetland / Watercourse: Housatonic

FROM THE DESK OF CYNTHIA S. HOLDEN			
MAY 17 2007			
	E.Y.J.	PLS. DO	PLS. SEE ME
KEITH T. HALL			
MARK W. ALEXANDER	✓		
PAUL N. CORRENTE			
STEPHEN V. DELPAPA			

Dear Mr. Hurle:

Your request for Authorization Under the General Permit for Utilities and Drainage for the reconstruction of I-95 over the Housatonic River in the Towns of Milford and Stratford in accordance with your request and plans which are part thereof filed with this Department on February 6, 2007 signed by Edgar T. Hurle ("the plans") has been approved.

The authorized activity will take place along I-95 over the Housatonic River in the Towns of Milford and Stratford ("site"). This authorization is being issued to the Department of Transportation (the "permittee") pursuant to the General Permit for Minor Grading issued June 6, 2002 pursuant to Conn. Gen Stat. Section 22a-39 (the "general permit").

If you have not already done so, you should contact your local inland wetland agency and the U.S. Army Corps of Engineers to determine federal permit requirements on your project, if any. Write the Corps' New England Division, Regulatory Branch, 424 Trapelo Road, Waltham, MA 02254; or call (617) 647-8332.

If you have any questions concerning this authorization, please contact staff in the Inland Water Resources Division at (860) 424-3019.

Permittee's failure to comply with the terms and conditions of this authorization and those of the general permit shall subject permittee and permittee's contractor(s) to enforcement actions and penalties as provided by law.

This authorization is subject to the conditions described below.

SPECIAL CONDITIONS – None

CONDITIONS OF THE GENERAL PERMIT

(a) Operating Conditions

The permittee shall assure that each action with respect to which authorization has been sought and obtained under the general permit is, as applicable, constructed and maintained in accordance with the authorization and the following conditions:

1. Time of Year Restrictions on In-water Construction

- (A) Between September 30th and May 31st the permittee shall not place fill, excavate material, or conduct any other construction activity in any watercourse unless such activity is confined by a cofferdam or other device which isolates such activity from the watercourse.
- (B) The permittee shall not place fill, excavate material, or conduct any activity in any watercourse stocked with fish by the commissioner or any other person, or in any tributary to such watercourse, from 12:01 a.m. on Monday preceding the third Saturday in April through 12:00 midnight on the Sunday preceding the fourth Saturday in April.
- (C) The permittee shall not place fill, excavate material or conduct any other construction activity in or adjacent to any watercourse, which activity may adversely affect anadromous fish, during the time period when anadromous fish are known or reasonably believed to be migrating in the watercourse.

2. Pollution Prevention/Best Management Practices

The permittee shall not cause or allow the authorized activity, including any construction associated therewith, to result in pollution or other environmental damage and shall employ best management practices to prevent such damage. The permittee shall, in addition to employing any other best management practices necessary to prevent such damage, do the following:

(A) Controlling Erosion

The permittee shall install and maintain in optimal condition erosion and sedimentation controls to prevent and control erosion and discharge of material into any waters of the state, including wetlands, as a result of the authorized activity or any construction associated therewith. Such controls shall be installed and maintained in conformity with the *Connecticut Guidelines for Soil and Sediment Control*, as revised, published by the Connecticut Council on Soil Water Conservation pursuant to Section 22a-328 of the General Statutes.

(B) Proper Disposal of Material

All material and solid waste generated during any construction associated with such activity shall be disposed of in accordance with applicable federal, state, and local law.

(b) Reporting and Record Keeping Requirements

(1) Notice to Commissioner upon Initiation and Completion of Authorized Activity

No later than two weeks after initiating and after completing the authorized activity, the permittee shall give written notice of same to the commissioner.

(2) Record Keeping and Reporting of Drainage Maintenance Activities

With respect to a drainage maintenance plan described in subsection 3(a)(3) of this general permit and authorized hereunder, the permittee shall maintain a record of each action undertaken pursuant to such plan. Such record shall include the date(s) each such action was undertaken, a brief description thereof, the quantities of any material placed or removed in connection therewith, and the location of such activity. The permittee shall submit a copy of such record to the commissioner on January 30th of the year after the date the commissioner approved permittee's request for authorization, and shall continue every January 30th thereafter to submit to the commissioner a copy of such record as it applies to the preceding twelve months.

(3) Contractor Notification

If the authorized diversion will be constructed by a person(s) under contract to the permittee, the permittee shall (A) give a copy of the general permit and of the permittee's approval of authorization hereunder to such contractor(s) prior to the start of construction, and (B) for one year after completion of the authorized activity, retain a written receipt for such copy, signed and dated by such contractor(s).

(c) Recording and Reporting Violations

Within 48 hours after the permittee learns of a violation of the general permit, the permittee shall report same in writing to the Commissioner. Such report shall include the following information:

- (1) the provision(s) of the general permit that has been violated;
- (2) the date and time the violation(s) was first discovered and by whom;
- (3) the cause of the violation(s), if known;
- (4) if the violation(s) has ceased, the duration of the violation(s) including exact date(s) and time(s) it was corrected;
- (5) if the violation(s) has not ceased, the anticipated date when it will be corrected;
- (6) steps taken and steps planned to prevent a reoccurrence of the violation(s) and the date(s) such steps were implemented or will be implemented;
- (7) the signature of the permittee and of the individual(s) responsible for actually preparing such report, each of whom shall certify as follows:

"I have personally examined and am familiar with the information submitted in this document and all attachments thereto, and I certify that, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief. I understand that a false statement made in this document or its attachments may be punishable as a criminal offense, in accordance with Section 22a-6 of the General Statutes, pursuant to Section 53-157b of the General Statutes, and in accordance with any other applicable statute."

(d) Modification of Authorized Activity

In constructing the operating the activity authorized by the general permit, the permittee shall not make any alternation, except a de minimis alteration, to such activity without first obtaining the written approval from the Commissioner of such alteration. For the purposes of the general permit, a de minimis alternation means a change in the design or operation of the authorized activity that does not increase its adverse environmental or other impacts and does not significantly change its location.

(e) Initiation and Completion of Authorized Activity

The permittee may not initiate the authorized activity any sooner than sixty (60) days after filing a request for authorization. If the permittee does not complete the authorized activity within three (3) years after the date of the applicable approval of authorization, said approval shall be null and void.

(f) Reliance on Request for Authorization

In evaluating the permittee's request for authorization, the Commissioner has relied on information provided by the permittee. If such information proves to be false or incomplete, the permittee's approval of authorization may be suspended or revoked in accordance with law, and the commissioner may take any other legal action provided by law.

(g) Duty to Correct and Report Violations

Upon learning of a violation of a condition of this general permit, a permittee shall immediately take all reasonable action to determine the cause of such violation, correct such violation and mitigate its results, prevent further such violation, and report in writing such violation and such corrective action to the commissioner within five (5) days of the permittee's learning of such violation. Such report shall be certified in accordance with subsection 5(i) of this general permit.

(h) Duty to Provide Information

If the commissioner requests any information pertinent to the authorized activity or to compliance with this general permit or with the permittee's approval of request for authorization, the permittee shall provide such information in writing within thirty (30) days of such request. Such information shall be certified in accordance with subsection 5(i) of this general permit.

(i) Certification of Documents

Any documents, including but not limited to any notice, which is submitted to the commissioner under the general permit shall be signed by, as applicable, the registrant or the permittee in accordance with Section 22a-430-3(b)(2) of the Regulations of Connecticut State Agencies, and by the individual or individuals responsible for actually preparing such document, each of whom shall certify in writing as follows:

"I have personally examined and am familiar with the information submitted in this document and all attachments thereto, and I certify that, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief. I understand that a false statement made in this document or its attachments may be punishable as a criminal offense, in accordance with Section 22a-6 of the General Statutes, pursuant to Section 53-157b of the General Statutes, and in accordance with any other applicable statute."

(j) **Date of Filing**

For purposes of this general permit, the date of filing with the commissioner of any document is the date such document is received by the commissioner. The word "day" as used in this general permit means the calendar day; if any date specified in the general permit falls on a Saturday, Sunday, or legal holiday, such deadline shall be the next business day.

(k) **False Statements**

Any false statement in any information submitted pursuant to this general permit or the request for authorization may be punishable as a criminal offense, in accordance with Section 22a-6, under Section 53a-157b of the General Statutes.

(l) **Correction of Inaccuracies**

Within fifteen days after the date a permittee becomes aware of a change in any information in any material submitted pursuant to this general permit, or becomes aware that any such information is inaccurate or misleading or that any relevant information has been omitted, such permittee shall correct the inaccurate or misleading information or supply the omitted information in writing to the commissioner. Such information shall be certified in accordance with subsection 5(i) of this general permit. The provisions of this subsection shall apply both while a request for approval of request for authorization is pending and after the commissioner has approved such request.

(m) **Transfer of Authorization**

An approval of Request for Authorization under this general permit is transferable only in accordance with the provisions of Section 22a-6o of the General Statutes.

(n) **Other Applicable Law**

Nothing in the general permit shall relieve the permittee of the obligation to comply with any other applicable federal, state, and local law, including but not limited to the obligation to obtain any other authorization required by such law.

(o) **Other Rights**

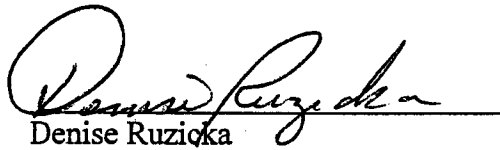
The general permit is subject to and does not derogate any present or future rights or powers of the State of Connecticut and conveys no rights in real or personal property nor any exclusive privileges, and is subject to all public and private rights and to any federal state and local laws pertinent to the property or activity affected by such general permit. In conducting any activity authorized hereunder, the permittee may not cause pollution, impairment, or destruction of the

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air, water or other natural resources of this State. The issuance of the general permit shall not create any presumption that the general permit should or will be renewed.

This document consists of the approval of authorization as mandated by Section 3(b)(1) of the general permit. This approval shall expire on June 6, 2012 unless the general permit is extended past such date, or within (3) years after the date of this approval, whichever comes first.

May 8, 2007
Date


Denise Ruzicka
Director
Inland Water Resources Division

cc: Town of Stratford Inland Wetlands Agency
Town of Stratford Conservation Commission
Town of Stratford Planning and Zoning Commission
Town of Milford Inland Wetlands Agency
Town of Milford Conservation Commission
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